

APPLICANT(S): HAVIV, Yaron  
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### **REMARKS**

The present communication is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1 through 51 are pending in the application. Claims 1 through 51 have been rejected.

Claims 1 through 10, 17 through 24 and 32 through 40 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file in a divisional and/or continuation patent applications.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1 through 10, 17 through 24 and 32 through 40 under 35 U.S.C. § 102(e), as being anticipated by Gidwani (U.S. Patent No.6,640,239). Applicants respectfully traverse this rejection because the '239 reference neither teaches nor suggests all the limitations of the rejected claims. In the interest of expediting the prosecution and allowance of the present application, however, Applicant has elected to cancel without prejudice claims 1 through 10, 17 through 24 and 32 through 40. These cancellations were not made due to any cited prior art references, and in making these cancellations Applicant does not concede the patentability of these claims. Furthermore, Applicant reserves the right to file claims of similar or greater scope in a continuation application.

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### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 11 through 16, 25 through 31 and 41 through 51 under 35 U.S.C. § 103(a), as being unpatentable over Gidwani (U.S. Patent No. 6,310,632) in view of Krause (U.S. Patent No. 2003/0195983). Applicant respectfully traverses these rejections because a prima facie case of obviousness has not been established. More specifically, Applicant traverses the Examiner's 103 rejections due to the fact the Examiner used an improper reference to support his argument.

As is well established patent law, a prior art reference must have an "effective date" (i.e. date of filing or date of publication) earlier than the filing date (or date of invention) of the claimed subject matter within an application against which the reference is cited. Contrary to the Examiner's assertions in the Final Office Action, The Krause reference's effective date, as it relates to the combination of Remote Dynamic Memory Access ("RDMA") and non-RDMA communication technologies, **is not the filing date of any of its parent applications**, but is in fact May 21, 2003, its own filing date. Applicant has reviewed the Krause Reference's parent applications and has found no mention of RDMA combined with non-RDMA communication in these applications. Therefore, the Krause reference's effective date with respect to RDMA combined with non-RDMA communication is May 21, 2003, which is nearly two years after the filing date of the present application. Thus, the Krause reference may not be properly cited against any of the claims of the present application.

- **MPEP 201.08:**

*"A continuation-in-part is an application filed during the lifetime of an earlier nonprovisional application, repeating some substantial portion or all of the earlier nonprovisional application and **adding matter not disclosed** in the said earlier nonprovisional application. (In re Klein, 1930 C.D. 2, 393 O.G. 519 (Comm'r Pat. 1930))..."*

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A common novel thread through independent claims 11, 25 and 41 is the mixed RDMA and non-RDMA communication between computing devices. More specifically, claims 11, 25 and 41, respectively, recite in part:

**11.** *"... enabling said second computer to directly transfer data to said first computer over said connection using remote direct memory access messages; and having said router process non-remote-direct-memory-access traffic from said second computer to said first computer over said connection."*

**25.** *"... converting a session of packet-oriented traffic into transactions comprising remote direct memory access messages."*

**41.** *"... a proxy able to receive packet-oriented traffic from a client computer, to convert a session of said packet-oriented traffic into transactions comprising remote direct memory access messages, and to send said transactions to one of said server computers."*

As shown above, these claim limitations go beyond the mere definition of RDMA, but rather are directed to a novel implementation of RDMA with non-RDMA communication protocols. To the extent that the Krause reference teaches, suggests or even mentions any specific combination of RDMA with non-RDMA protocols, the effective date of such teachings is May 21, 2003, the Krause reference's own filing date. Applicant and his representatives have carefully reviewed all the publicly available applications upon which the Krause reference claims priority. Application Serial Nos. 09/578,155 and 09/578,019 make no mention of RDMA whatsoever. Provisional Application Ser. No. 60/154,150 only mentions the basic definitions of RDMA, without giving any specific teachings as to its implementation, either alone or in concert with other communication technologies. Therefore, the Krause reference may not be used as a reference against the above mentioned novel limitation recited in independent claims 11, 25 and 41.

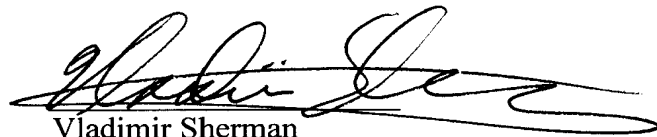
Applicant respectfully requests the Examiner to withdraw all of the 103 based rejections. In view of the amendments and remarks, all the pending claims (i.e. claims 11 through 16, 25 through 31 and 41 through 51) are considered to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3400.

Respectfully submitted,



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Dated: February 19<sup>th</sup>, 2007

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